

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

Ashley Tyson,

Plaintiff,

v.

Consumer Portfolio Services, Inc.

Defendant.

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Civil Action No.: 4:13-cv-00118

COMPLAINT

For this Complaint, the Plaintiff, Ashley Tyson, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
2. This Court has original jurisdiction over Plaintiff's TCPA claims. Mims v. Arrow Fin. Serv., LLC, 132 S.Ct. 740 (2012).
3. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendants transact business here and a substantial portion of the acts giving rise to this action occurred here.

PARTIES

5. Plaintiff, Ashley Tyson ("Plaintiff"), is an adult individual residing in Florissant,

Missouri.

6. Defendant, Consumer Portfolio Services, Inc. (“CPS”), is a California business entity with an address of 19500 Jamboree Road, Irvine, California 92612.

FACTS

7. Within the past few months, Defendant contacted Plaintiff at a cellular telephone line using an automated telephone dialer system with an artificial or prerecorded voice (hereafter “Robocalls”).

8. On many occasions Plaintiff requested that Defendant cease calls to the cell phone and provided Defendant with an alternative number.

9. Despite Plaintiff’s repeated revocation of consent to contact her at the cellular telephone, Defendant continued to harass Plaintiff with numerous Robocalls.

10. In fact, Defendant placed over 20 Robocalls to Plaintiff after Plaintiff had revoked her express consent to be contacted at the cellular telephone.

A. Plaintiff Suffered Actual Damages

11. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendants’ unlawful conduct.

COUNT I **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –** **47 U.S.C. § 227, et seq.**

12. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. Without prior consent the Defendant contacted the Plaintiff by means of automatic telephone calls or prerecorded messages at a cellular telephone or pager in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

14. The foregoing acts and omissions of the Defendant constitute violations of the Telephone Consumer Protection Act, including the above-cited provision.

15. The Plaintiff is entitled to damages as a result of the Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be awarded in his favor and against the Defendant as follows:

1. Statutory damages for each violation, pursuant to 47 U.S.C. § 227(b)(3)(B) & (C);
2. Attorney's costs and fees; and
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: January 18, 2013

Respectfully submitted,

By: /s/ Sergei Lemberg

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